

# **EXHIBIT 67**

1 Page 1

2 UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF GEORGIA  
4 ATLANTA DIVISION

5 Civil Action No. 1:17-cv-02989-AT

6 DONNA CURLING, et al.,  
7 Plaintiffs,  
8 vs.  
9 BRAD RAFFENSPERGER, et al.,  
10 Defendants.

11  
12  
13  
14  
15 REMOTE VIDEOTAPED DEPOSITION OF  
16  
17 JAMES A. BARNES, JR.

18 Lakeland, Georgia

19 Wednesday, July 20, 2022

20  
21  
22  
23  
24 Court Reporter: Michelle M. Boudreaux-Phillips, RPR  
25

1       with the system.

2           Q     And the poll worker training, is that  
3       provided by the State or by you guys, by the County?

4           A     Poll worker training is provided by the  
5       County, but generally speaking, I try to look at how  
6       some of the bigger, more successful offices do theirs  
7       and mirror that.

8           Q     Have you ever met Ms. Riddlehoover?

9           A     No.

10          Q     Ever spoken with her?

11          A     No.

12          Q     No emails, text messages, phone calls, no  
13       contact with her at all?

14          A     No contact whatsoever.

15          Q     And did you decide not to contact her for the  
16       same sort of reasons you decided not to contact  
17       Ms. Hampton?

18          A     That's correct.

19          Q     When you came in, had Ms. Hampton left you  
20       like a note, instructions, anything directed to you?

21          A     No.

22          Q     And Ms. Riddlehoover did not either?

23          A     That's correct. It was my understanding that  
24       they had left in February, and I came in in April,  
25       so...

1 Q And who was managing the election program in  
2 Coffee County in that window; do you know?

3 A I don't -- I don't know who would have been  
4 doing it.

5 Q That wasn't something you asked  
6 [indiscernible]?

7 A Well, it was my understanding that, you know,  
8 the phone calls for the elections office were being  
9 rerouted through the county commissioner's office.

10 Q So the county commissioner's office had took  
11 on some level of responsibility while the State was  
12 looking to replace -- or, sorry, while the County was  
13 looking to replace Ms. Hampton?

14 A That's correct.

15 Q When you were in Lanier, when you started at  
16 Lanier, the State was using the old DRE voting system,  
17 right?

18 A That's correct.

19 Q And then they switched over to the BMD  
20 system, right?

21 A That's correct.

22 Q And are you aware that the judge in this case  
23 that you're here for, in August of 2019, ordered the  
24 State to stop using the DRE system?

25 A Yes, and to go to a paper ballot.

1           A     That's correct.

2           Q     And why was it that you didn't try to access  
3       the EMS server or the ICC until a few weeks after you  
4       arrived?

5           A     Because there wasn't an election for a while  
6       out, so there wasn't really any need to. And there was  
7       quite a bit of other work to do, also, catching up on  
8       voter registrations and things like that.

9           Q     So you didn't try to access the EMS server or  
10      the ICC with the password you had until a need arose  
11      with an upcoming election?

12          A     That's correct.

13          Q     Where did you get the 16-digit password that  
14      you were trying to use?

15          A     Initially, that was the same one that had  
16      gotten left there by Ms. Hampton. And I called CES up  
17      to make sure that that was, in fact, the correct  
18      password, they verified that that should be the correct  
19      password, and when I tried it several times and it  
20      didn't work, they said that they would come down and  
21      take a look.

22          Q     You said it was left by Ms. Hampton. Where  
23      did you find it?

24          A     It was still up there attached to the  
25      computer screen.

1 Q On the Post-it note?

2 A Yeah.

3 Q Okay. And how did you confirm with CES that  
4 that was the password that they had provided initially?

5 A By calling up there to the CES office.

6 Q So you called someone at CES, you read the  
7 16-digit password, they said, "Yeah, that's the one  
8 that we have for this equipment," and you pointed out  
9 it didn't work?

10 A That's correct.

11 Q Was the 16-digit password in Coffee County  
12 the same one that you used for the EMS or ICC in  
13 Lanier?

14 A No.

15 Q So Lanier had a different password?

16 A That's correct.

17 Q Also 16-digit?

18 A Yeah, they're all the 16-digit,  
19 Google-generated type passwords.

20 Q Okay. And they're all provided by the State?

21 A That's correct.

22 Q What did CES say when you contacted them and  
23 said the password doesn't work?

24 A Like I said, they tried to go back through it  
25 several times with me and just make sure that I

1           wasn't -- it wasn't a user error on my part. And then  
2           when it continued not to work, they said that they  
3           would come down and take a look at it the following  
4           week.

5           Q       Do you recall who specifically you spoke with  
6           at CES?

7           A       I believe it was Prateek Patel that I spoke  
8           to because, like I said, I know him better than most  
9           since he builds my ballot databases.

10          Q       Sorry, give me the name one more time.

11          A       Prateek Patel.

12          Q       Patel is P-A-T-E-L?

13          A       Yes, that's correct.

14          Q       And this was sometime in late April of 2021?

15          A       Yes, I believe that's correct.

16          Q       Did you ask or was there any discussion with  
17           him or anyone else at the Secretary's office about why  
18           the password wasn't working?

19          A       Well, when he came down, he brought another  
20           gentleman with him named Chris. I'm not sure about his  
21           last name. I just know he works at CES. And initially  
22           they -- you know, first thing he did was try that  
23           password just to see if it worked, because in the past  
24           people have just messed it up and not done it right.  
25           And they didn't know why the password had been changed,

1       said that it shouldn't have been able to be changed,  
2       and that's basically where that stood. So I have no  
3       idea why or how.

4           Q     But they -- Mr. Patel came in and someone  
5       else named Chris, both from CES, right?

6           A     Yes, that's correct.

7           Q     And they looked at the ICC and the EMS server  
8       and their assumption was that somebody had changed the  
9       password?

10          A     I'm not sure, actually. They just seemed  
11       surprised to me because, like he said, they're not  
12       supposed to be able to change it. So I'm not sure that  
13       they knew exactly what had happened --

14          Q     Got it.

15          A     -- at that juncture.

16          Q     All they could tell was the password didn't  
17       work?

18          A     Yes, that's correct.

19          Q     And they explained that people at the county  
20       level aren't supposed to have administrative rights to  
21       change a password?

22          A     Yes, that's correct.

23          Q     So what happened next?

24          A     After that, I was told that they were going  
25       to have to replace the server and take it back to CES,

1           you don't have it, then you don't have it," so...

2           Q        What does that mean, "if you don't have it,  
3                    you don't have it"?

4           A        Well, he said if I don't have it there on the  
5                    server, then I don't have anything responsive to that.  
6                   So I took that to mean that he didn't have it either.

7           Q        So you got an open-records request related to  
8                   the EMS server that had been replaced, you contacted  
9                   Mr. Patel, and he said if you don't have something  
10                  locally in Coffee County, you don't have anything to  
11                  produce?

12           A        Yes, that's correct because -- I don't know  
13                  what that meant as far as his side. I just assumed it  
14                  meant they hadn't gained access either.

15           Q        But you didn't ask him specifically if they  
16                  had been able to access the server themselves?

17           A        Well, it was my understanding that when I  
18                  asked him if they had been able to access it because I  
19                  needed to get this equipment, he said that if I don't  
20                  have it locally, then, you know, I just don't -- I  
21                  don't have anything, that they hadn't been able to  
22                  access it. That's generally what you would assume if  
23                  an IT guy tells you that.

24           Q        Right, but he -- I just want to be really  
25                  precise. And I apologize, because we're lawyers, words

1 matter.

2 Did he -- at any point, did Mr. Patel ever  
3 say to you explicitly that no one at the Secretary of  
4 State's office, including CES, had been able to access  
5 the EMS server that was taken?

6 A He did not specifically say that, but I had  
7 asked them if they had accessed it to be able to get  
8 that -- if there was any way I could get that. And he  
9 responded in the negative to that, so I took that to  
10 mean that, no, they had not.

11 Q When you say "he responded in the negative,"  
12 he said if you don't have it locally, you don't have  
13 anything to produce for the open records, right?

14 A Yes, he said if I don't have a copy of it  
15 physically there in my office, then there's nothing  
16 available to give them.

17 Q Okay. So as you sit here today, you don't  
18 know for certain whether anyone at the Secretary's  
19 office ever got access to the ICC or the EMS server?

20 A No, I don't.

21 Q And the conversation you had with Mr. Patel  
22 about the open-records request, do you remember  
23 approximately when that was?

24 A Honestly, I'm not sure.

25 Q Would you say the latter half of 2021, like

1 closer to the time that you left, or closer to the time  
2 you arrived?

3 A It was the latter half of 2021. It's just  
4 typically the elections office gets so many  
5 open-records request, it's hard to keep track of them.

6 Q Sure. And was this a phone conversation or  
7 an email exchange?

8 A A phone conversation.

9 Q So you never sent an email or a text message  
10 or created any written document about replacing the EMS  
11 server or the ICC?

12 A No.

13 Q Why is that? It's not a small thing to get a  
14 new ICC and a new EMS. Why not create a report on  
15 this?

16 A Well, say in your office, if you contact an  
17 IT guy with a problem, do you usually email him or do  
18 you usually call him up because it's simpler?

19 Q Well, for us it's easier to email.

20 A I got you. Well, for me it's easier to walk  
21 through a problem talking, so that's just typically why  
22 I do.

23 Q Okay. No, and I understand that, I  
24 understand the phone call to Mr. Patel. I'm sorry.  
25 I'm asking a different question, which is: The point

1 at which you -- the State replaced the ICC and the EMS  
2 and you realized the password didn't work, I'm curious  
3 why you -- why you didn't write a report to provide for  
4 the Board, for example, or to have posterity for the  
5 incoming -- you know, the next elections supervisor, on  
6 what had happened here and what had been done.

7 A Well, like I said, you have to understand  
8 that the office was in quite a bit of disarray and  
9 there was a lot to do in there. So kind of trying to  
10 tackle one emergency at a time, you know.

11 Q But it never occurred to you to put anything  
12 in writing on something as substantial as replacing an  
13 ICC and an EMS server?

14 A Well, what my job was, was there was a  
15 problem and to get the problem fixed, so that's what I  
16 did.

17 Q What did you share with the Board, if  
18 anything, the election board, about this situation?

19 A We had a conversation about it because I was  
20 letting them know that, you know, "Hey, we had some  
21 guys from the State that had to come because there's a  
22 problem with the server and I can't access it, and  
23 we've got an upcoming election."

24 Q And when was that approximately?

25 A I'm not entirely sure. It would have been

1 around the beginning of May.

2 Q So shortly after the situation arose, you  
3 alerted the Board in some fashion that this had  
4 happened?

5 A Yeah.

6 Q And who specifically did you alert?

7 A I believe it was just brought up in the  
8 meeting, as I may recall, but it's been a while.

9 Q So your memory is Mr. Patel comes in,  
10 replaces the server and the ICC, and then at the next  
11 monthly board meeting, you provided some sort of oral  
12 report to the Board on that?

13 A Yes.

14 Q And your memory is that -- were all the board  
15 members present for that, to your recollection? Were  
16 any missing?

17 A I'm not sure if everyone was there or not  
18 because you know how it is trying to schedule meetings.

19 Q And this would have been one of the meetings  
20 in the conference room in your office that you  
21 mentioned?

22 A Yes, that's correct.

23 Q And since you provided the Board a monthly  
24 report, why not include this in that monthly report as  
25 well when you were preparing that report?

1           A     Honestly, I'm not sure if it was in the  
2 minutes or not.

3           Q     The minutes of the board meetings, are those  
4 public?

5           A     Yes, that's correct.

6           Q     Okay. And would it surprise you that there's  
7 no indication of discussion of this?

8           A     Not really. Like I said, I was more  
9 concerned with the election than going through the  
10 issues of documenting down everything. I don't  
11 typically make it a point to document a lot of things  
12 other than my emails, which are open, and my phone  
13 records, which are open, and if I have some reason to  
14 write a report to the State.

15          Q     It didn't -- it didn't trouble you that you  
16 came in to an office where the prior two election  
17 officials had been at least encouraged to leave for  
18 what you said was not being honest or accurate about  
19 their time records, it didn't trouble you that the EMS  
20 server and the ICC were no longer even accessible? You  
21 didn't view that as a security concern?

22           MR. DENTON: Object to the form.

23           THE WITNESS: Definitely, because I  
24 contacted the State about it. But like I  
25 said, it's not my job to speculate on what

1                   anything may or may not be. It's my job to  
2                   report a problem if I have one, which I did.

3                   Q        (By Mr. Cross) And did you contact -- so you  
4                   didn't contact -- you didn't think this warranted  
5                   communicating to law enforcement, for example, like the  
6                   GBI?

7                   A        No. It's simply I couldn't get into it, they  
8                   came and replaced it and fixed it for me. That was  
9                   that.

10                  Q        Were you concerned that the fact that the  
11                  password never -- no longer worked, that maybe that was  
12                  an indication that someone had done something they  
13                  weren't supposed to do on that server and on the ICC?

14                  A        Like I said, I don't get paid to speculate  
15                  and investigate. That's why the State has  
16                  investigators.

17                  Q        So from your perspective, you walked in, the  
18                  password didn't work, you did what you were supposed to  
19                  do, contacted the State, and you left it for them to  
20                  investigate and figure out if there was a bigger issue?

21                  A        That's correct.

22                  Q        And did you ever hear from anyone at the  
23                  State again about this particular issue, that the  
24                  password didn't work and they had to replace these two  
25                  pieces of equipment?

1                   MR. DENTON: Object to form.

2                   THE WITNESS: No, I did not, but it's  
3                   not unusual for the State not to follow back  
4                   up with us. I mean, there's 159 counties.  
5                   They'd have to have more employees to follow  
6                   up with everybody on everything, I'm sure.

7                   Q       (By Mr. Cross) But we're talking about a  
8                   county where the elections supervisor reportedly had  
9                   been asked to leave for not being honest with time  
10                  records, where she put up a video that had the original  
11                  password for this machine publicly accessible, and then  
12                  the password didn't work when you showed up and all her  
13                  emails were gone. That doesn't strike you as sort of  
14                  circumstances where somebody might want to dig a little  
15                  deeper beyond just replacing the equipment?

16                  A       Well, like I said, I'm not paid to be an  
17                  investigator. I'm paid to be an elections supervisor.  
18                  And normally my follow-up is if I get an invitation to  
19                  a State Election Board case.

20                  Q       But you said it doesn't surprise you  
21                  initially they didn't follow up because they're busy  
22                  and they have lots of things, but we're not talking  
23                  about an ordinary situation here, right? We agree on  
24                  that, this is not an ordinary situation?

25                  A       Well --

1                   MR. DENTON: Object to form.

2                   A -- here's the thing, they investigate all of  
3 these things. And usually I hear back about it because  
4 there will or there will not an SEB case on it. So  
5 it's not unusual for me not to hear back from them  
6 unless it's because it's going to the State Board.  
7 That's not unusual for anybody, as far as I know.

8                   Q But as you sit here today, you don't -- you  
9 never got any indication from anyone at the State,  
10 Secretary's office, or the SEB, that any investigation  
11 was conducted into why the password wasn't working,  
12 right?

13                  MR. DENTON: Object to form.

14                  THE WITNESS: I have no idea whether  
15 there was an investigation or not, and I  
16 don't -- I don't get SEB case updates  
17 anymore, so I have no idea if there's one  
18 ongoing right now or not.

19                  Q (By Mr. Cross) Is there anyone else you  
20 communicated with about this password issue?

21                  A No.

22                  Q For example, did you reach out to former  
23 colleagues in Lanier that you were close with or  
24 Mr. Vickers?

25                  A Oh, well, I did -- I did reach out to Josh

1           Coffee County; is that your understanding?

2           A       Yes, that's correct. And I also kept regular  
3       voters and people from going back there into the inner  
4       office. We just dealt with them at the countertop up  
5       front.

Q And that was a change from prior practice in  
Coffee County?

8 A Yes.

9 MR. CROSS: Okay, why don't we take  
10 another break. Let's go off the record.

13 (Recess taken.)

14 THE VIDEOGRAPHER

15 We're back on the record.

16 | 0 (By Mr. Gross) All

17 to pull something up real quick.

19 got -- I understood something right.

server, was that documented, like was there chain of custody paperwork that you signed on that?

23 A I don't recall signing chain of custody  
24 paperwork. Maybe I did. I'm not sure. It's been a  
25 while, but...

1 Q But you expect to, right? That's a pretty  
2 major change, to bring in a new ICC and EMS and get rid  
3 of the old one. There would be chain of custody  
4 documentation, right?

5 MR. DELK: Object to form.

8 Q (By Mr. Cross) The County wouldn't keep a  
9 copy of their own chain of custody documents so that  
10 there's a record of replacing the ICC and the EMS?

11           A     I'm not aware of any documentation about it  
12       being taken, but then again, it was the state employees  
13       coming to get it, so...

14 Q And you don't recall them handing you  
15 paperwork to sign?

16 A I don't recall, no.

17 Q But you agree that chain of custody is  
18 important, right?

19 MR. DELK: Object to form.

20 MR. DENTON: Object to the form.

21 THE WITNESS: Yeah, chain of custody is  
22 important.

(Exhibit 3 marked for identification.)

24 MR. CROSS: Grab Exhibit 3, if you  
25 would, please, sir. Just let me know when

1                   you've got it.

2                   THE WITNESS: I've got it.

3                   MR. CROSS: All right.

4                   Q     (By Mr. Cross) Do you see at the top there's  
5                   an email that you sent to Robert Hernandez on May 6,  
6                   2021?

7                   A     Yes, that's correct.

8                   Q     And Robert Hernandez is one of the state  
9                   investigators you mentioned before that you dealt with  
10                  while you were at Coffee County?

11                  A     Yes.

12                  Q     And you see in your email, you write in your  
13                  second sentence, "You will find a response letter from  
14                  our office attached." Do you see that?

15                  A     Yes.

16                  Q     If you come down to the second page, you see  
17                  the letter that you sent to Mr. Hernandez there?

18                  A     Yes.

19                  Q     And at the end of that -- well, you point  
20                  out -- you start the letter by saying, "I assumed the  
21                  position of Supervisor of Elections on April 1st,  
22                  2021." Do you see that?

23                  A     Yes.

24                  Q     In the last paragraph, you wrote, "The  
25                  Coffee County Board of Elections fully understands the

1 requirement of maintaining absentee ballot transfer  
2 sheets and chain of custody documents, and will ensure  
3 this occurs for any future elections."

4                   Do you see that?

5                   A     Yes.

6                   Q     And yet as you sit here, you don't recall  
7 whether there were any chain of custody documents  
8 maintained by the County or even signed for something  
9 as significant as replacing your ICC and EMS server; is  
10 that right, sir?

11                  A     Well, I understand your implications here;  
12 however, there's not even paperwork around to be able  
13 to fill out for this. It's not like this is something  
14 anybody ever planned to happen. We don't even have a  
15 chain of custody document for replacing servers.

16                  Q     159 counties in Georgia, no one has ever had  
17 to replace an ICC or a scanner -- or a server before?

18                  MR. DENTON: Object to form.

19                  MR. DELK: Object to the form.

20                  Q     (By Mr. Cross) Is that what you're saying?

21                  A     I'm not sure about all the other 159  
22 counties.

23                  Q     You think in all the time that the State has  
24 had electronic voting equipment across 159 counties,  
25 they've never had to replace a server or an ICC

1           scanner?

2           MR. DELK: Object to the form.

3           MR. DENTON: Object to form.

4           THE WITNESS: The only thing I can  
5           account to is I've never seen a form for  
6           transferring those items.

7           Q       (By Mr. Cross) And you don't think the State  
8           has chain of custody documents, forms, or -- for  
9           something as significant as replacing that election  
10          equipment? You just think --

11          MR. DENTON: Object to form.

12          THE WITNESS: I've never seen it.

13          Q       (By Mr. Cross) When Mr. Patel took the  
14          equipment, did you ask him, did you say, "Hey, think I  
15          should sign something here, maybe we should have some  
16          kind of documentation that we've done this"?

17          A       No, because both of the gentlemen that were  
18          there were higher up [indiscernible] state employees,  
19          and I trusted them.

20          Q       Has anyone ever indicated to you that the  
21          Secretary of State's office actually cannot take that  
22          equipment and the data on it without a court order?  
23          Has anybody ever discussed that with you?

24          A       No.

25          Q       As the elections supervisor, did you have an

1 understanding of whether your office was supposed to be  
2 legally the custodian of records of everything on that  
3 equipment?

4 A My understanding, there were legal custodians  
5 of things, but how are you supposed to access it if you  
6 don't have a password that works for it?

7 Q Well, I'm not asking about access right now.  
8 I'm just asking you. You were the legal -- you  
9 understand the County is the legal custodian of the  
10 election data on those pieces of equipment, but you  
11 handed them over to the State and didn't even document  
12 it. I mean, that's the testimony today, right, sir?

13 MR. DENTON: Object to form.

14 THE WITNESS: I turned it over to the  
15 State.

16 Q (By Mr. Cross) You mentioned something  
17 earlier, and I just want to make sure I didn't  
18 misunderstand. You said when they -- when Mr. Patel  
19 first came in and was trying to access the data on the  
20 EMS server, you said something to the effect that  
21 they -- that they were able to move some data back-door  
22 style?

23 A Well, they were able to --

24 MR. DENTON: Object to form.

25 THE WITNESS: It ended up being mostly

1       over here; maybe I should forward that along and let  
2       the State take over on that.

3           Q     So you emailed Mr. Harvey and let him know  
4       about the card, right?

5           A     Yes, that's correct.

6           Q     Why did you email him instead of calling him?

7           A     Just because I wasn't sure what to do with  
8       it. I had contacted a former supervisor about it and  
9       said, "Hey, this doesn't look good." And he said,  
10      "Well, why don't you go ahead and email Chris and let  
11      him know." So that's what I did.

12          Q     So when you came in and you realized that you  
13       couldn't get access to the ICC and the EMS server, you  
14       didn't email anyone about it, you only used the phone,  
15       but when you thought about the Cyber Ninjas card might  
16       be an issue, you emailed. Why treat them differently?

17           MR. DENTON: Object to form.

18           THE WITNESS: Well, just because it was  
19       suggested that I email Chris Harvey, so  
20       that's what I said. I mean, there's no  
21       special, magic sauce to it. It's just how it  
22       happened.

23           MR. CROSS: Okay.

24           (Exhibit 6 marked for identification.)

25          Q     (By Mr. Cross) So pull up Exhibit 6, if you

1           would, please.

2                         I'm sorry. Was Josh Black the one who  
3                         suggested you email Mr. Harvey?

4                 A     Yes, that's correct.

5                 Q     Just let me know when you've got this.

6                 A     I've got it.

7                 Q     All right. So if you look at the first page,  
8                         you'll see there's an email thread there. Do you see  
9                         that?

10                A     Yes.

11                Q     And if you come down to the bottom, there's  
12                         an email from you to Chris Harvey on May 7, 2021. Do  
13                         you see that?

14                A     Yes.

15                Q     But it's -- the full email is not there, but  
16                         you can see it reads, "The Dominion email today,  
17                         pertaining to Cyber Ninjas, was alarming to me. When I  
18                         took over at the Coffee County office, the attached  
19                         business card was at the base of Misty Hayes' computer  
20                         monitor."

21                         And then if you scroll down, you'll see the  
22                         whole email of what you said. Do you see that?

23                A     Yes.

24                Q     And then you say, "I thought nothing of it  
25                         until I heard about the situation in Arizona with the

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1 DOJ. If she did not use them, she was at the very  
2 least in contact." Do you see that?

3 A Yes.

4 Q And then if you go all the way to the bottom,  
5 you'll see a copy of the Cyber Ninjas card that you  
6 sent to Mr. Harvey.

7 A Yes.

8 Q What was the situation in Arizona with DOJ  
9 that prompted your concern?

10 A Well, that was mentioned in that Dominion  
11 email, you know, where the Department of Justice had  
12 come in and stopped that -- stopped them from, you  
13 know, tampering with the equipment. So I just felt  
14 like it would be pertinent to look into that.

15 Part of the reason is -- you can see why that  
16 was sent in email form, is because I scanned the card  
17 just to show, hey, this Douglas Logan guy had a  
18 business card here.

19 Q Got it. Yep.

20 And then -- so do I understand correctly your  
21 concern was you got an -- you got the alert from  
22 Dominion, you understood the situation with DOJ in  
23 Arizona --

24 A Yes.

25 Q -- with Cyber Ninjas, and you thought there

1 at least potentially could be a similar compromise  
2 issue in Coffee County, and so you thought you should  
3 alert Chris Harvey to that? Is that fair?

4 A Yes. And, of course, I was also, you know,  
5 thinking about the situation -- if somebody had come in  
6 and, you know, touched any of the equipment or done  
7 anything.

8 Q Right. And did it occur to you that that  
9 might explain why the password no longer worked on the  
10 ICC and the EMS, that someone like Cyber Ninjas may  
11 have come in and done something?

12 A Yeah, the thought did cross my mind.

13 Q And was that something you discussed with  
14 Mr. Harvey or Mr. Patel or others when they were  
15 looking into the server and replacing it?

16 A Well, when I was talking with them about it,  
17 part of my concern was that, you know, potentially  
18 somebody had done something to that server.

19 Q Did you speak specifically with Mr. Patel,  
20 for example, about maybe it was Cyber Ninjas?

21 A Honestly, I thought that I had sent that to  
22 Chris before they ever got the servers, but it may have  
23 been after that.

24 Q So your thinking is that you sent this email  
25 to Mr. Harvey with the Cyber Ninjas card before they

1       day, and we provide that via email to the State  
2       liaison. And, of course, when we send our election  
3       materials off, we always send one of those, as well, to  
4       them.

5           Q     So the EMS server is networked, it's  
6       hardwired to the ICC?

7           A     That's correct.

8           Q     And the ICC is the computer and that's --  
9       that manages the central scanner?

10          A     Yes.

11          Q     And so that computer, the ICC, is hardwired  
12       to the central scanner?

13          A     Yes, it is.

14          Q     But there are election results or election  
15       files that are taken off the EMS onto a flash drive by  
16       the County?

17          A     Yes, because we keep a -- usually you want to  
18       keep a backup of your election projects -- your  
19       election project on one just in case there's a glitch,  
20       the power gets knocked out, something happens.

21          Q     Right. And I thought you had said earlier,  
22       for example, that you expected there to be election  
23       project files from prior elections on a flash drive.

24          A     Yes.

25          Q     So in addition to the flash drives that the

1       State provides to upload election files for an  
2       election, in your experience, the County also has flash  
3       drives that it plugs into the EMS to pull down a copy  
4       of election project files after an election, right?

5           A     Well, usually it's during the election. But,  
6       yes, once you complete it, you should update that  
7       backup one last time just in case something ever  
8       happened to the server and you needed to  
9       [indiscernible].

10          Q     And in your experience, when that happens,  
11       were you using the same flash drive that the State  
12       provided before the election or using a different flash  
13       drive to pull the election project files off?

14          A     No, it's a different one.

15          Q     And where did you get that flash drive?

16          A     This -- these were the black flash drives  
17       that the State originally sent. They sent like a  
18       fairly large box full of them.

19          Q     When did those come in?

20          A     Before I got there.

21          Q     I see. And where -- and so when you got  
22       there, where did you find these flash drives?

23          A     The box of flash drives were just in there in  
24       the server room.

25          Q     How many were in there approximately?

1 A Maybe 30 or 40, something around that nature.

2 Q You said maybe 30 or 40?

3 A Yes.

4 Q And none of those flash drives had any  
5 election project files from elections preceding you?

6 A No. Those were blank.

7 Q They were all blank.

8 How do you know that all 30 or 40 flash  
9 drives in that box actually came from the State?

10 A Well, I'm not entirely sure that they did,  
11 but it had the -- they were black and had the same  
12 writing on it as the one the State sent, so I assumed  
13 they were.

14 Q I see. Okay.

15 And you were in -- you were the assistant  
16 elections supervisor in Lanier County for the  
17 switchover from DREs to BMDs, right?

18 A Yes, that's correct.

19 Q And was it the same method there? So with  
20 the DRE system, you'd have a flash drive, you'd pull  
21 off the election data onto a flash drive from the old  
22 GEMS server, much like you do with the Dominion system  
23 now; is that right?

24 A Yes, that's correct.

25 Q And when you were in Lanier County and there

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1 C E R T I F I C A T E  
2

3 STATE OF GEORGIA

4 COUNTY OF COBB

5  
6 I, MICHELLE M. BOUDREAUX-PHILLIPS, do hereby  
7 certify that JAMES A. BARNES, JR., the witness whose  
8 deposition is hereinbefore set forth, was duly sworn by  
9 me and that such deposition is a true record of the  
10 testimony given by such witness.

11  
12 I further certify that I am not related to  
13 any of the parties to this action by blood or marriage  
14 and that I am in no way interested in the outcome of  
15 this matter.

16  
17 IN WITNESS WHEREOF, I have hereunto set my  
18 hand this 27th day of July 2022.

19 

20 \_\_\_\_\_  
21 MICHELLE M. BOUDREAUX-PHILLIPS, RPR  
22  
23  
24  
25